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**LAW OFFICES OF PHILIP STEVEN HORNE, ESQ.**

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**LABOR AND PROPERTY**

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**LITIGATION**

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*Via Electronic Mail and Personal Delivery 2007 March 09*

The Honorable Maxine M. Chesney  
JUDGE OF THE DISTRICT COURT  
United States District Court  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, California 94102

Regarding: BEREN V. CSU/3:06-cv-04706-MMC  
*OPPOSITION TO 12(b)(6) MOTION SET FOR MAR. 30<sup>TH</sup>*

Honorable Judge Chesney:

I am currently in trial on a state court matter. That matter was only set for five (5) days. Unfortunately, because of the state court's crowded calendar and the medical emergency of opposing counsel, we are in our tenth day.

My opposition to defendants' two FRCP 12(b)(6) motions is due today. Those motions involve reviewing and responding to about 200 pages of documents and addressing dozens of issues.

With my trial schedule, it is simply impossible for me to finish the opposition today. It is not for want of effort. I have been working twelve hours a day, seven days a week, for the past month. It is just physically impossible for me to work any harder.

I will file the opposition on Monday. Said will be one court day late. I apologize for the late filing and ask for the court's consideration.

Respectfully submitted,

/s/Philip Steven Horne, Esq.  
Philip Steven Horne, Esq.  
LAW OFFICES OF PHILIP STEVEN HORNE, ESQ.

ORDER

Plaintiff may file his oppositions on  
March 12, 2007; any replies may be  
filed no later than March 19, 2007.

Dated: March 12, 2007

Correspondence 20070125

  
United States District Judge